IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.253 OF 2005
IN
WRIT PETITON NO.902 OF 2005

Godrej Industries Ltd. & Anr. ..Petitioners.

V/s.

The Union of India ..Respondents.

Ms.Rajani Divkar i/b. M/s.Little & Co. for petitioners.
Mr.Rajiv Chavan with A.S.Rao for respondents.

CORAM : V.C. DAGA AND
J.P.DEVADHAR, JJ.

DATED : 5TH MAY, 2005.

P.C. :-

1. Not on board.

2. Rule, returnable forthwith. Heard finally by consent of parties.

3. This Writ Petition, in which the present motion has been moved, was disposed of by this Court vide order dated 19th April, 2005 pursuant to the Minutes of Order, contents of which are reproduced in para 3 of the affidavit.

4. After disposal of the petition, on the next day, petitioners have received a notice that in view of fresh Policy contained in the Circular No.02(RE-2005)/

2004 / 2009 dated 20th April, 2005, the order passed by this Court on 19th April, 2005 cannot be given effect to.

5. The learned counsel for the petitioners thus have moved this motion. He submits that the order dated 19th April, 2005 needs to be recalled in view of subsequent event leading to Policy Circular dated 20/4/2005 and the petition needs to be restored and heard on admission afresh.

6. Having seen the affidavit and the contents thereof and having heard the rival parties, we feel that interest of justice requires that this Court should recall its own order dated 19th April, 2005 and restore the petition to file so as to enable this Court to hear and decide the petition afresh. In this view of matter, motion stands allowed. Rule is made absolute in terms of prayer clause (a) of the Notice of Motion with no order as to costs.

7. In view of this order, Notice of Motion No.243 of 2005 does not survive. The same accordingly stands disposed of as infructuous.

8. Writ Petition be placed on board on 6th June, 2005 for admission and stay, before the Bench dealing with the subject matter involved in the petition.

(V.C. DAGA, J.)

(J.P.DEVADHAR, J.)